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9. **Section 1: 15/P/2521/O Outline application with all matters reserved except access for up to 35 dwellings with associated access, parking, hard/soft landscaping and open space, drainage and infrastructure at Land to north of Pudding Pie Lane, Langford, Churchill**

REFERRED BY COUNCILLOR WELLS

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site comprises a greenfield site of approximately 1.5 hectares to the north of the Langford settlement boundary. The site is made up of three fields in agricultural use surrounded and divided by mature hedgerows. To the south is Pudding Pie Lane with the built up area of the village beyond. The Mendip Vale Medical Practice is immediately to the west, and buildings associated with Churchill Farm and Chestnut Farm are to the north. Further to the north of these lies the former mushroom farm. A detached dwelling known as Bylanes is situated on Pudding Pie Lane opposite Churchill Primary School and its curtilage extends into the central field of the site for approximately half its depth. A short distance to the east is the site owned by the University of Bristol which has outline planning permission for up to 141 dwellings and associated public open space granted under application ref 15/P/1414/O.

The proposed site is adjacent to the northern fringe of Langford, which forms part of the Churchill settlement as defined in the Core Strategy.

The site is generally flat and set within the level landscape of the immediate area. Approximately 1km to the south of the site the landform rises towards the boundary with the Mendip Hills AONB.

There are two existing vehicle accesses to the site, comprising a gated field entrance onto Pudding Pie Lane, and a further gated entrance at the end of a privately maintained lane adjacent to the eastern site boundary.

The Application

The application is in outline form for up to 35 dwellings with all matters reserved except for access. Appearance, landscaping, layout and scale are reserved, although an indicative layout plan has been submitted to demonstrate a potential form of development. The illustrative layout proposes a total of 35 dwellings with

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a total of 92 car parking spaces. The development would comprise 15 open market dwellings, 10 affordable homes and 10 age restricted dwellings, ranging in size from 2-bed to 5-bed units.

The main part of the development would be accessed from a new vehicle access from the existing lane linking to Pudding Pie Lane. In addition to the retained vehicle access onto Pudding Pie Lane which will be upgraded, one new vehicle access off Pudding Pie Lane is proposed, which the illustrative layout indicates would provide access to one dwelling situated between Bylanes and the Medical Centre.

All existing trees and hedgerows are to be retained and the indicative layout shows locations of additional tree and hedge planting.

Relevant Planning History

No relevant planning history relating to this site.

Earlier this year the Council resolved to grant permission for 141 dwellings at the eastern end of Pudding Pie Lane (15/P/1414/O) and 43 dwellings south of the A38 (15/P/1313/O).

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Churchill
- Protected tree on southern boundary of site (TPO1044)
- North Somerset and Mendip Bats SAC

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement

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CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS25	Children, young people and higher education
CS27	Sport, recreation and community facilities
CS32	Service Villages
CS34	Infrastructure delivery and Development Contributions

* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies has taken place and the Inspector's Report is expected shortly.

The Sites and Policies Plan Part 1: Development Management Policies

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM12	Development within the Green Belt
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix

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DM36	Residential densities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Building a strong, competitive economy
3	Supporting a prosperous rural economy
4	Promoting sustainable transport
5	Supporting high quality communications infrastructure
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Emerging Development Plan

The Sites and Policies Plan Part 2: Site Allocations Plan

Policy SA1: This identifies the site in Schedule 1 as a new residential allocation to meet the Core Strategy housing requirement.

The publication version was approved in October for a further round of consultation before submission to the Secretary of State in early 2017.

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)

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- Biodiversity and Trees SPD (adopted December 2005)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)

Consultations

Third Parties: 55 letters of objection have been received. The principal planning points made are as follows:

- A thorough Ecological survey has not been performed
- Increase in traffic
- Extra noise pollution
- The development is a flood risk
- The local school is already near capacity
- Lack of public transport to serve residents
- There are more suitable brownfield sites without the need for this development
- The local facilities are already overwhelmed
- The development is outside the settlement boundary
- It is an unsustainable development
- The site comprises prime agricultural land
- The proposed development would result in the loss of a valued landscape in conflict with paragraph 109 of the NPPF
- The application meets none of the social, economic or environmental criteria of the National Planning Policy Framework
- This proposed development poses significant highway risks for Pudding Pie Lane
- Limited local employment opportunities
- Health and safety concerns
- There will be minimal benefit to local businesses
- The development would cause an unacceptable increase in population
- Lack of infrastructure
- Harmful impact to neighbouring residents
- Loss of light and breach of covenants attached to Bylanes

Written objections have been received on behalf of the Churchill and Langford Residents Action Group, drawing attention to the following points.

- No archaeological assessment carried out
- Housing number requirements have already been secured on other sites
- The application for 35 dwellings exceeds the draft modifications to the Core Strategy

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- Drainage issues as yet unresolved and require further consultation with Wessex Water

1 letter of support has been received. The principal planning points made are as follows:

- Opportunities for families to buy new homes
- It would not affect the area as the village is so large

Churchill Parish Council: “The Parish Council recommend strongly NOT supporting application 15/P/2521/O.” See Appendix 1 at the end of this report for full comments.

Other comments received

Avon Fire & Rescue: No objections given.

Avon and Somerset Police: No objections given.

Wessex Water: No objections given.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) sustainability assessment (3) transport and access considerations, (4) landscape character impact, (5) flood risk, (6) ecology, (7) impact to neighbouring residents, (8) infrastructure requirements, and (9) other considerations.

Issue 1: The principle of development

Housing requirement

Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is consolidated in paragraphs 11 and 196 of the NPPF. The relevant parts of the development plan for the site comprise the adopted policies within the Core Strategy and the Sites and Policies Plan Part 1, and the saved policies of the North Somerset Replacement Local Plan 2007. Following a legal challenge to the Core Strategy regarding the housing numbers, Policy CS13 (scale of new housing) was remitted back to the Planning Inspectorate for re-examination, along with 8 other remitted policies. On 18 September 2015 the Secretary of State confirmed that he had reviewed the Core Strategy Inspector’s conclusions and was satisfied that the recommended housing requirement of 20,985 dwellings over the period 2006-

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2026 was appropriate. The approval of the new housing requirement means that Policy CS13 is now an adopted as part of the development plan.

5 year supply of deliverable housing sites

Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements plus an additional buffer of 5% moved forward from later in the plan period to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20%

With the Core Strategy housing requirement now fixed at 20,985, in relation to the annual assessment it was the Council's position that based on the April 2016 annual assessment that a 5 year supply (plus 5%) could be demonstrated. This position was tested at recent public inquiries into appeals in respect of proposed housing developments at Sandford and Banwell (15/P/0583/O and 15/P/0248/O). At both these appeals the Inspectors did not agree with the Council's position and concluded the evidence presented at the inquiries did not support the Council's ability to demonstrate a 5 year supply of housing. In the Sandford case the Inspector did not quantify the numerical scale of the shortfall however in the Banwell decision the Inspector concluded that the Council could only demonstrate a 4.2 year supply. Accordingly paragraph 49 of the NPPF is engaged and "relevant policies for the supply of housing are not considered up to date". This means that, in accordance with paragraph 14 of the NPPF, planning permission for sustainable development should be granted unless any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits.

As a result, in the absence of a 5 year housing supply, the settlement boundaries and other policies used to control housing development are not considered up to date and carry less weight. This means that whilst the application site is outside the previously defined limit for development this cannot be used to oppose the principle of development until the five year supply is restored. In this respect, it must be noted that the proposed modifications to policy CS32 arising from the recent Core Strategy examination, allow for development outside but adjoining settlements boundaries subject to various criteria being met. Core Strategy policies CS14, CS32 and CS33 are related to the supply of housing. If the Council cannot demonstrate a 5 year housing land supply, they can only be afforded limited weight in so far as they relate to the supply of housing. However, significant weight can nevertheless still be given where those policies reflect other aspects of the NPPF such as the need for any development to respect the character and appearance of the area.

It is in this context that the principle of development must be assessed.

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Housing Distribution Strategy

The increased housing figure in Policy CS13 will affect other 'remitted' policies. This starts with Policy CS14 (Distribution of new housing) which must be updated to identify, in broad terms, where the remaining housing balance up to 2026 will be delivered.

The draft Site Allocations Plan identifies how the Council intends to meet the Core Strategy housing requirement and includes proposed new housing allocations at Weston-super-Mare, the three towns and at some key service villages, including Churchill. The current application site is one of those identified.

The Publication Draft of the Site Allocations Plan was approved at the Executive Committee on 18 October 2016. This will be consulted upon and all comments received forwarded to the Inspector for consideration at the independent examination. The application site remains allocated and this was confirmed at the 18th October 18th Executive Committee. The Site Allocations Plan although not yet submitted to the Secretary of State should be given weight given that it allocates sufficient land to meet the adopted Core Strategy housing requirement. In the meantime the Council must determine planning applications for housing and the urgent need to provide a deliverable 5-year housing land supply must carry weight in the decision making process.

It is recognised that given the circumstances, the Council cannot rely on the plan-making process alone to address the housing shortfall, and must also actively grant permissions in parallel with the plan making process. This is already in progress with the Committee resolving to approve new developments at various sites around the main towns and service villages.

Issue 2: Sustainability assessment

National policy supports a sustainable approach to development in the rural areas with the emphasis being on supporting services, employment and facilities in larger villages. In the planning system substantial benefit is attached to housing supply by the Government. This has been borne out in the recent Sandford appeal decision where the Inspector made it very clear that the provision of new housing, including affordable housing, carried substantial weight in favour of the proposal in the decision process. This does not however override all other considerations. As set out in the NPPF, where the adverse impacts of a proposal "significantly and demonstrably" outweigh the benefits, then planning permission should be refused.

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The Government's view of sustainable development is set out in the NPPF. Sustainable development has many strands, but its core dimensions fall into 3 broad limbs - economic, social and environmental. This outline application therefore should be assessed against each of these dimensions.

The Core Strategy already identifies Churchill as a service village. Service villages are assessed as having at least a village shop, post office, primary school, GP surgery, community hall and pub. For service villages the strategy is for them to provide a service function beyond the immediate locality and become a focal point for local housing need, services and community facilities. In terms of general principles it is noted that the intentions of Policy CS32 is for larger villages to become more self-contained in terms of supporting services, employment and facilities.

Meeting housing need is seen by the Government as a key economic driver and the provision of new housing, and in particular affordable housing, is in the wider public benefit. In line with national planning guidance the Council therefore must give substantial weight to the provision of additional housing in the wider ambit of sustainable development. This presumption in favour of development will only be outweighed if specific and significant harm can be identified that supersedes the wider public benefit.

It is necessary therefore to assess whether the settlement of Churchill, and by extension, the application site, is a sustainable location for further development taking into account, economic, social and environmental factors. In this assessment, in the absence of a 5 year housing land supply, the provision of new housing assumes greater importance. As with previous applications at Pudding Pie Lane and Says Lane the proximity to the A38 corridor, public transport links along this route, and the availability of links to surrounding villages, mean that the settlement is considered to be adequately connected from a transport point of view. The village is served by buses which provide frequent links to Bristol Airport, Temple Meads rail station, Bristol city centre and Weston super Mare although census data indicates that the use of public transport currently has a low take up amongst the existing population so it is likely that there would continue to be reliance on the private car for longer journeys.

Following the Inspector's reasoning on the relative accessibility of Sandford, the level of bus service serving Churchill is deemed to be good for a rural area. Although the NPPF advises that the transport system needs to be balanced in favour of sustainable transport modes, giving people a choice about how they travel, the government recognise that different measures will be required in different communities and opportunities to maximise sustainable transport options will vary from urban to rural locations.

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With regard to accessibility, consideration must also be given to the availability of day to day services and facilities and the manner in which these are connected to the proposed development. In this respect, there are a range of services and functions within the village commensurate with its designation as a service village. It is acknowledged that the range of services is not as comprehensive as with higher order settlements, and whilst there is access to primary and secondary schools and a sports centre, there are limited retail and employment opportunities. Nevertheless the available services include three pubs, a fish bar, hairdressers, medical centre, post office, hotel, recreation ground with sports clubs and four churches of different denominations. With regard to employment opportunities, it has already been stated by the Inspector in the Sandford appeal that although new residents are likely to travel beyond the immediate settlement, there is nevertheless a significant employment base in the wider area and it is possible that these can be reached through means other than the private car. Taken in the round, this means Churchill has a reasonable degree of sustainability.

As has previously been assessed with the Pudding Pie Lane application (15/P/1414/O) the local footway network provides for generally convenient routes that minimise distances, have few impediments such as intermittent or absent pavements, obstacles, hills or slopes, for the most part are safe and secure, have street lighting, and can avoid narrow pavements adjacent to busy roads. Mitigation measures have been secured through other planning permissions in the form of a gateway feature, and a Traffic Regulation Order (TRO) to reduce speeds along a section of the A38 to 30mph and the provision of a new non-signalised crossing with central refuge island. Taking account of these factors, it is considered that the combination of services within the settlement and the access to public transport provision in proximity of the application site means that Churchill is broadly sustainable in transport terms.

From an economic perspective, the site is evidently available and a development of up to 35 houses will make a positive contribution to the 5-year housing land supply. The inclusion of 'affordable' housing, together with construction jobs and increased spending from a rising population provide economic and social benefits, albeit that these are more generic and would apply wherever house building takes place. Although Churchill may not be as relatively self-contained as other larger villages and towns, the presence and availability of existing services contributes towards its sustainability as does the accessibility to surrounding settlements with a more diverse range of activity. The additional population that would accrue from the proposed development would also assist in some degree to supporting the viability of local shops, businesses and community activities.

With regard to the social role of sustainability the prospect of the delivery of 35 dwellings with 30% affordable housing is deemed to be a benefit in line with the

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NPPF objective of boosting significantly the supply of housing. In a broader assessment, there is a range of existing community based activities in Churchill and it is likely that future residents will progressively integrate with and add to the support for organisations that contribute to a cohesive and strong community. The application site is located where access to a reasonable, if not comprehensive, range of services is available.

In terms of the environmental elements, the impact on ecology, drainage and landscape is assessed in detail later in this report. Further environmental dimensions would include localised traffic and transport impacts and the effect and landscape character and the countryside. The cumulative impact of the site together with the previously approved schemes at Pudding Pie Lane and Says Lane has been taken into account and is not considered to result in a 'significant and demonstrable' adverse impact that will outweigh the benefit of additional housing supply.

The site includes Grade 3 agricultural land. Paragraph 112 of the NPPF states that Local Planning Authorities should take account of the economic benefits of the best and most versatile agricultural land (BMV). This is defined in Annex 2 as land in Grades 1, 2 and 3a of the Agricultural Land Classification. Where significant development of agricultural land is necessary, paragraph 112 of the NPPF advises that Local Planning Authorities should seek to use areas of lower quality land in preference to higher quality. There are fewer areas of BMV in North Somerset which potentially puts any land at a higher grade at a premium. Although there is no definition in the NPPF as to what can be construed as 'significant development of agricultural land' and there are no defined thresholds for assessing the effects of non-agricultural development on agricultural land it is clear that the loss of some BMV land is inevitable if the Council is to meet the housing targets which have been imposed on it. In terms of overall agricultural land provision, the loss of 1.5 hectares is not significant and given the small size of the site and the constraints created by the context of its location the loss of the agricultural land does not outweigh the benefits that accrue from the contribution to housing supply.

Issue 3: Transport issues

Pudding Pie Lane in the vicinity of the site comprises unclassified highway subject to a 30mph speed limit with discontinuous footways. It is street lit, has good visibility and is predominately residential in nature. Pudding Pie Lane forms the minor arm of a priority junction with Ladymead Lane, an unclassified highway to the west. To the east, Pudding Pie Lane joins the B3133 Stock Lane which links to the A38 to the south of the site. Churchill Primary School is situated on the southern side of Pudding Pie Lane opposite the development site.

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Site access is a matter for consideration within this outline application. The site will be accessed via an existing private road which forms the minor arm of a priority junction with Pudding Pie lane, approximately 300m west of the junction with the B3133 Stock Lane. It is proposed to upgrade this access including a 5.5m wide carriageway and a 2m wide footway on its western side. The Council will expect this entire access road to be built to an adoptable standard in line with the guidance set out in the NSC Highways Development Design Guide. This will require the applicant to enter into a S38 agreement.

Visibility splays of 2.4m x 43m are indicated which is compliant with Manual for Streets. It is noted that visibility to the west is currently restricted by dense hedgerow, however the land used for this splay is in the control of the applicant who should ensure that all hedgerows that may impede these splays are appropriately controlled.

On street parking is known to occur on the opposite side of the carriageway to the principal site access, particularly during school drop off and pick up times. The applicant has submitted vehicle tracking plots demonstrating that the proposed site access arrangement can adequately accommodate a 10.2m refuse vehicle when vehicles are parked on street opposite the site. No tactile paving or dropped crossings have been shown at the principal site access. These will be required but can be dealt with at technical approval stage.

In addition, it is proposed to stop up an existing gated field access and provide 2 further vehicular accesses to the west of the principal site access. These private residential accesses will serve 3 and 1 dwellings respectively. The access serving 3 dwellings is shown to be approximately 4.8m wide and the access serving the single dwelling is approximately 4m in width. Visibility splays compliant with Manual for Streets are indicated.

With regard to the impact on the wider highways network, the application is supported by a transport assessment (TA) which uses the TRICS database to forecast the number of new trips which might result from the proposed development. The parameters used within the assessment have been checked and it is considered the data provided to be adequate and appropriate for this proposal.

The TA predicts that the proposed development would generate an additional 19 two-way vehicle movements during the morning and evening peak periods and this is considered to be a robust estimate of the likely peak hour traffic generation of the development. It is noted that the development proposal includes an element of affordable and age-restricted accommodation which tend to generate lower levels of peak hour traffic.

The scale of residential development proposed does not trigger a requirement for the applicant to provide junction capacity assessment. However, the Council

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have assessed the likely traffic distribution and capacity of the existing local junctions that may experience an increase in traffic throughput as a result of the proposed development, taking account of the extant planning permissions including Pudding Pie Lane and Says Lane.

Recent capacity assessment of the key junctions has demonstrated that they operate within their theoretical capacities, and the Council is satisfied that the additional traffic generated by this development will not have a material detrimental impact on localised junction flow and capacity. As such although there will be an increase in vehicle numbers this will not constitute a severe impact as set out at paragraph 32 of NPPF.

The development proposes to provide a new 2m wide footway on the western side of the site access road and a short section of 2m wide footway on Pudding Pie Lane, extending to the proposed new vehicular access serving the 3 dwellings to the west. An uncontrolled tactile crossing point is indicated which will link with a drop crossing on the opposite side of the carriageway adjacent to Churchill Primary School. This is considered to be appropriate and is in line with the likely pedestrian desire line for occupants of the site. This will be the subject of a condition requiring provision prior to occupation of the site.

Parking is a reserved matters however parking levels should be consistent with those set out within the North Somerset Parking SPD.

No mention of the internal layout of the site is made save for the provision of an indicative masterplan and refuse vehicle tracking. While this is not a critical matter as it remains reserved for determination at a later stage, the final layout would be expected to comply with the principles set out in Manual for Streets (MfS), Manual for Streets 2 and the North Somerset Highways Development Design Guide (HDDG).

Issue 4: Landscape and character assessment

The site is not within a designated landscape although the Mendip Hills AONB is approximately 1km to the south of the site. It is considered that the site does not form part of the setting of the AONB and whilst it may be possible to view the development in limited form from some parts of the AONB, from this distance it would be seen in the context of existing development and would therefore have no discernible effect to the AONB or the purpose of including land within it.

The village edge consists of small to medium sized fields. They are predominantly linear in nature and divided by well-maintained hedgerows, many of which support mature trees. A number of urbanising influences including roads, dwellings and the medical practice are present, but they are not particularly unusual on the edge of a settlement. Because of the proximity to an

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established residential area and other forms of development, the site does not have an appreciable sense of isolation however it does retain an intrinsically rural character at the village edge. It is considered that some minor adverse landscape effects would occur but these would largely be confined to the site itself and the immediate surroundings. The character of the site would become more urban in nature appearing as a northern extension of the village, which has recently seen increasing levels of development. These are all changing its rural character.

The application site is not protected by any formal landscape or other designations, and for reasons set out above is not held to be of a unique character or of a high level of sensitivity to change. In the absence of any demonstrable, overriding harm to the character and appearance of the site other than the loss of its intrinsic rural appearance, it is considered that the impact is not so significant as to outweigh the benefits of the new housing to the Council's housing supply. In this instance, as the change from greenfield land to residential development does not equate to significant harm, any conflict with policies CS5 and CS12 of the Core Strategy, and DM10 of the Sites and Policies Plan does not outweigh the benefits associated with increased housing supply.

Issue 5: Flood risk

The applicant has provided outline information to demonstrate the drainage strategy to deal with both the foul water and surface water generated by the development. The foul water will discharge into an existing public foul water sewer, which will need approval in conjunction with Wessex Water. The surface water strategy shows that a viable SuDS system for the capture and removal of surface water from the development can be developed. The Council's Flood Risk Management Team have assessed the details submitted to date and although a definitive drainage strategy has not been presented, it is considered that there is scope for a feasible system to be put in place that would address the surface water drainage requirements for the site. Due to the location of the site and the proposed increase in impermeable areas, it will be necessary to provide further detailed information at reserved matters stage. This will be informed by tests to determine permeability and infiltration rates which in turn will inform the SuDS hierarchy. This will be controlled by condition.

Wessex Water have been consulted as the sewerage undertaker for the area. They have identified that foul water disposal will be to the existing 225mm public foul sewer in Pudding Pie Lane. Due to ground levels a pumped connection for foul drainage may be required. This is an arrangement to be secured between the developer and Wessex Water.

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Issue 6: Ecology

The site is located within the 5km protection zone for the North Somerset and Mendip Bats Special Area of Conservation (SAC). Policies CS4 of the Core Strategy and DM8 of the Sites and Policies Plan seek to protect priority habitats, and development that could directly or indirectly harm protected species will not be permitted unless the harm can be avoided or mitigated. An ecological assessment and extended phase 1 habitat survey have been undertaken and this found that the site is not subject to significant environmental constraints that would prevent development on the application site.

The SAC was designated to provide the highest level of protection to populations of Greater and Lesser Horseshoe bats that inhabit parts of North Somerset and the Mendips. As well as roost sites the bat population depend on a suitable network of habitat that they use for feeding and commuting. Both Greater and Lesser Horseshoe bats were found to be using the hedgerows on the eastern, western, and southern boundaries of the site. Accordingly a Habitats Regulation Assessment (HRA) has been carried out.

The assessment of the bat survey results conclude that the habitat on site, particularly the trees and hedgerows with their connectivity to the wider landscape provide an overall moderate foraging and commuting resource to bats. There are no direct potential impacts although there are potential indirect impacts through the loss of commuting routes, loss of foraging habitat, or disturbance through lighting. The site masterplan shows mitigation in the form of retention of the majority of hedgerows and trees with the exception of two breaks in the east-west lying hedge on the southern boundary. In addition a 2m buffer zone comprising grass verge will be provided either side of the hedgerows to encourage a diversity of invertebrates as a food source for bats. To ensure lighting impacts to key features will be avoided or mitigated the proposal shows that dark corridors could be retained across the site.

In terms of in-combination effects the key cumulative development impacts are the potential for loss of foraging areas and in particular cattle grazed pasture; increased habitat disturbance, and general deterioration from urban impacts such as noise, light pollution, domestic pets, and increased recreational pressures. Horseshoe bats are known to be sensitive to light and street lighting has been shown to have significant negative impacts on the selection of flights routes by bats. Consideration has been given to pending and extant applications within 4km of the site. It was concluded that given each proposal would contain mitigation appropriate to horseshoe bats (primarily keeping the boundary corridors dark), that there would be no likely significant effect in-combination effect on horseshoe bat populations. Officers have further considered in-combination effects by focusing on the green corridor linkages and foraging habitats between the site and the nearest SAC unit to the north, south and west of the site.

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In consultation with Natural England it has been concluded that this proposal will not have a likely significant effect (alone or in combination with other plans and projects) on the North Somerset and Mendip Bats Special Area of Conservation provided that the specified planning conditions are imposed if planning permission is granted.

A badger sett is present to the west of the site, adjacent to the site boundary. A Natural England derogation licence will be required if works are required within 30m of the sett.

Issue 7: Impact to the living conditions of neighbours

The application site is adjacent to existing residential dwellings along Pudding Pie Lane including Bylanes which projects into the southern section of the site, Oak House to the east and Chestnut Farm to the north. The illustrative layout provides an indication of how the site could be laid out.

As layout, design and landscaping are reserved matters, the final layout of the site has not yet been established. In terms of neighbour impact the position and orientation of dwellings will need to take account the location of neighbouring dwellings and position of windows in facing elevations to ensure there is no loss of privacy, outlook or unacceptably dominant appearance. Sensitive treatment within the proposal will be required where the development site surrounds Bylanes. This property is orientated on a north south basis fronting onto Pudding Pie Lane and it is likely that new dwellings will be positioned to either side and to the rear of this property. Given the proposed density of development, there is no reason to suppose that the proposed dwellings could not be developed whilst maintaining acceptable levels of privacy and amenity for surrounding residents and those in the new development. The relationship between any individual plot and the neighbouring properties would be expected to accord or exceed the requirements of the North Somerset Residential Design Guide SPD. Existing properties may currently enjoy an expansive outlook over the application site, however loss of such a view is not a matter that can be given significant weight in the assessment of the application.

The scale of the development could have an impact on the living conditions of neighbours during the construction period. The impacts of construction are not a reason to refuse planning permission but a construction management plan will be required to agree methods to reduce adverse impacts, for example controls of construction hours and construction traffic routes.

Issue 8: Infrastructure requirements

In terms of meeting local infrastructure requirements, the NPPF (paragraphs 203-206) makes clear that planning obligations should only be sought where they:

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- Are necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The detailed requirements for planning obligations are set out in Policy CF/1 of the North Somerset Replacement Local Plan, policies CS9, CS10, CS16, CS25, CS26, and CS27 of the Core Strategy and policy DM71 of the Sites and Policies Plan. These are further supported by the North Somerset Core Strategy Infrastructure Delivery Plan, which forms part of the evidence base for the Core Strategy. The scope of the S106 requirements are set out below.

Affordable Housing

Policy CS16 of the Core Strategy follows Government Policy and sets out the Council's policy on Affordable Housing and says the trigger for on-site provision are schemes of 10 or more dwellings. There is no upper limit on affordable housing provision, but 30% of the total housing number provided as 'affordable housing' is the normal requirement. Policy CS30 of the Core Strategy reaffirms a target of 30%. Currently the developer is offering 10 affordable units which is less than the policy position of 30% on site affordable housing units. The policy compliant position is 10.5 onsite units, which in accordance with the Affordable Housing SPD would be expected to be rounded up to 11 units. To date the applicants have agreed to deliver 10 dwellings as 'affordable housing' units.

Education

Policy CS25 of the Core Strategy sets out the Council's policy on education provision and seeks to ensure adequate school provision is made to meet demands of new development. A sum of £25,250 towards the provision of additional pre-school places and associated infrastructure at Langford Day Nursery and/or Churchill pre-school, and £98,056 towards the provision of additional primary school places and associated infrastructure at Churchill Primary school is sought to meet education requirements stemming from the development of 35 dwellings. A sum of £13,600 is required towards Special Educational Needs (SEND) for the provision of adaptations to Churchill Primary School, and a sum of £1,650 is sought towards youth provision. As there are extant outline planning permissions for 43 dwellings at Says Lane (15/P/1313/O) and 141 dwellings at Pudding Pie Lane (15/P/1414/O) and as each of these sites will impact on Churchill Primary School, the applications have been considered together. Feasibility studies have been undertaken in respect of the potential to expand the primary school and by agreement utilise proposed open space in association with the earlier approved residential development in Pudding Pie Lane in compensation for loss of any on site play space within the current school boundary. Currently there is spare capacity at Churchill Academy (secondary).

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Health care facilities

Officers have liaised with NHS England which is responsible for providing all elements of healthcare services to ascertain the requirement arising from this development. There is a relatively new GP surgery close to the site and no requirements arising from the proposed development have been identified.

Public open space and built sports facilities

Policy CS27 of the Core Strategy deals with sport, recreation and community facilities. On this basis, a sum of £30,000 for built sports and leisure facilities to secure improvements to the War Memorial Hall; and a contribution of £9,000 towards playing pitches at Ladymead Lane recreation ground are sought in relation to the proposed development.

Highways and transport

The applicant proposes to install a series of additional traffic management measures, road safety and pedestrian safety improvements set out in the Transport Assessment. There is also a requirement to seek a contribution of £4,200 (£120 per dwelling) towards Travel Information Packs, public transport taster tickets and cycle vouchers.

Informal open space

As suitable useable open space is unlikely to be deliverable on the site there is a requirement for off-site funding in respect of informal open space. The provision is based on bed spaces and requires £15,555.49 for informal open space (to enhance existing local facilities – to be agreed with the Parish Council). This is based on 10 No. 4 bed units, 15 No. 3 bed units and 10 No. affordable units.

Issue 8: Other matters

The representations received have been numerous and varied in their content and are summarised above. Concerns have been raised over the cumulative impact of this and other large scale housing applications in the locality. Whilst each application is determined on its own merits, the cumulative impacts if some or all of the proposed developments are progressed has been taken into account.

If planning permission is granted, conditions would be imposed to protect and mitigate the impact of the development which would be subject to further assessment with the submission of the reserved matters.

These matters raised by consultees have been taken into account, but none is of such significance so as to outweigh the considerations that lead to the recommendation to support the application.

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Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity subject to the receipt of satisfactory plans under the reserved matters submission and to the implementation and compliance of the recommended conditions

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder subject to the receipt of satisfactory plans under the reserved matters submission and to the implementation and compliance of the recommended conditions.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Conclusion

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. Against this, paragraphs 14 and 49 of the NPPF dictate that relevant policies for the supply of housing are not considered up to date where the local planning authority cannot demonstrate a 5 year supply of deliverable housing land. In such an instance planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Following the recent appeals decisions, the Council cannot currently demonstrate a 5 year supply. Accordingly, only limited weight can be given to the settlement hierarchy and settlement boundaries and the Council is obliged to give significant weight to the provision of new housing. The Site Allocations Plan is being drafted to bring forward housing sites and the current application site is proposed for development in the draft plan.

Churchill is a Service Village and is relatively sustainable in terms of the range of services, facilities and transport links that serve the settlement compared to other smaller villages. The development would not have a significantly adverse landscape impact and the transport, surface water drainage and flood risk

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considerations can be addressed through conditions and at the detailed design stage. The impacts on ecology are capable of being mitigated. Therefore taking account of all these factors, it is concluded that releasing this site for housing, would constitute sustainable development when taking the guidance of the NPPF as a whole.

If approved, with the planning obligations that have been negotiated with the applicant adverse impacts can be addressed. On this basis and taking account of the many material considerations to be weighed in the overall planning balance it is recommended that this application be approved.

RECOMMENDATION: Subject to the completion of a legal agreement securing (a) 30% on-site affordable Housing (b) financial contributions towards off-site built sports and leisure (c) financial contributions towards public open space (d) £4,200 towards Travel Information packs, and (e) financial contribution of £138,556 towards education the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman

1. Prior to submission of any reserved matters, a Master Plan or framework of development document to establish the main principles of the layout and design principles shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of securing a layout and built form that is sympathetic to the character of the village; retains existing features and where possible enhances the village and its relationship to its surroundings and in the interests of permeability and ecology in accordance with policies CS2, 3 and 12 of the North Somerset Core Strategy, and Policy DM32 of the Sites and Policies Plan part 1.

2. Before any work is commenced, details of the design and external appearance of the building(s), the landscaping of the site, the layout, and the scale (hereinafter called the reserved matters shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

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Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiry of five years from the date of this permission, or before the expiry of two years from the date of approval of the last of the reserved matters to approved, whichever is the later.

Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

Approved plans

5. The development hereby permitted shall, unless otherwise subsequently agreed by the Local Planning Authority in writing, be carried out in accordance with the following supporting documents and approved plans: [To be referred to in the decision letter].

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

Highways

6. The dwellings shall not be occupied until the parking areas have been laid out in accordance with the approved plans and shall be made from a permeable material and shall be retained permanently and not be used except for the parking of vehicles in connection with the dwellings hereby approved.

Reason: To ensure that the dwellings are served by an access and by parking areas built to the satisfaction of the Local Planning Authority and in accordance with Policy CS11 of the North Somerset Core Strategy, DM24 of the Sites and Policies Plan Part 1 and the adopted North Somerset Parking SPD.

7. No development shall commence until a plan showing the extent of the adoption of highway into the site has been submitted to, and approved in writing by the Local Planning Authority. No construction shall be commenced until plans widths and sections have been submitted to and approved, in writing, by the Local Planning Authority for this purpose.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with Policies CS10 of the Core Strategy and DM24 of the Sites and Policies Plan Part 1.

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8. The development hereby permitted shall not be commenced until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and in accordance with Policy DM24 of the Sites and Policies Plan Part 1.

9. The works to provide a new 2m wide footway on the western side of the site access road and a short section of 2m wide footway on Pudding Pie Lane, extending to the proposed new vehicular access serving the 3 dwellings to the west, and a tactile crossing point to link with a drop crossing on the opposite side of the carriageway adjacent to Churchill Primary School shall be completed prior to the occupation of the first dwelling or in accordance with a timetable agreed by the Local Planning Authority in writing as part of the scheme.

Reason: In the interests of highway safety and in accordance with Policy DM24 of the Sites and Policies Plan Part 1.

10. The development shall not commence until a construction traffic management plan has been submitted to, and approved in writing by the Local Planning Authority. The plan shall include details of the number and frequency of construction vehicle movements, construction operation hours, construction vehicle routes to and from the site, construction delivery hours, and car parking for contractors. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the impact of construction traffic during the construction phase and in the interests of highways safety and the living conditions of neighbours in accordance with Policies CS10 of the Core Strategy and ECH/3 of the North Somerset Replacement Local Plan.

Landscape

11. No development shall commence until a full landscape planting scheme has been submitted to, and approved in writing, by the local planning authority. This should include a tree and hedgerow retention plan identifying all existing trees and hedgerows to be retained. Landscaping of the site should predominantly employ native species of local provenance including berry and fruit-bearing trees, hedgerows and shrub species and nectar rich flowering plants.

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Reason: To ensure that features of ecological and landscape importance are maintained and in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

12. All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

13. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

14. No development shall commence until a bird nesting and bat roosting strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include the specification and locations of proposed bird nesting places and bat roosting places. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To enhance biodiversity on site in accordance with Policy CS4 of the Core Strategy.

15. No development shall commence until a full updated arboricultural report including a tree protection plan and relevant method statements for retaining and cutting through hedgerows, and providing root protection zones has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details. For the duration of the development works existing trees and hedgerows which are to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified, in writing, by the Local Planning Authority. The Authority shall be informed at least seven days

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before works start on site so that barrier position can be established. Within the protection area there shall be no excavation, tipping or stacking, nor compaction of the ground by any means.

Reason: To ensure that no excavation, tipping, storage of materials or other activity takes place in proximity to retained trees and hedgerows to ensure that features of ecological and landscape importance are maintained and in accordance with Policy CS9 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

Ecology

16. The development shall be implemented in accordance with the mitigation measures outlined in Sections 4.2 to 4.4 of the 'Extended Phase 1 Habitat Survey Pudding Pie Lane, Langford' (December 2015); and shall implement recommendations for enhancement within Section 4.3 of the 'Bat Activity Transect' (2015) report; which shall be included within relevant plans (landscaping plan; CEMP). If amendments to the report recommendations are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended)], North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

17. A Construction Environment Management Plan (CEMP) or Construction Method Statement shall be submitted to and approved by the Local Planning Authority before works commence. This shall include: details of site enabling works; method of works, including: siting and installation of services such as drainage; locations for storage; measures for disposal of waste and prevention of pollution, in accordance with PPGs; measures for avoidance of harm to protected and notable species; and specification of buffers and fencing for the protection of ecological features and trees. Works shall be implemented in strict accordance to the approved methodology.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended); and in accordance with North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

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18. Prior to the commencement of development, an ecological landscaping plan shall be submitted to the LPA. This shall include provisions to: retain hedgerows and trees on site; buffer retained hedgerows with species rich grassland corridors; provide 5m meadow grassland buffers to external hedgerows; create a wildlife pond and meadow habitat. The plan shall include provision of interpretation to inform residents of the habitats on site. This plan shall be implemented; with planting commenced at an early stage, to minimise disruption to available foraging and commuting resources for bats.

Reason: To maintain continuity of foraging and commuting resources for bats and other protected and notable species on site. To comply with Conservation of Habitats and Species Regulations 2010, as amended; and in accordance with CS4 of the North Somerset Core Strategy.

19. Prior to the commencement of development, an ecological management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include prescriptions and a table of works, including monitoring. Ongoing management shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with CS4 of the North Somerset Core Strategy.

20. Prior to the commencement of development, a site wide lighting strategy in lux shall be submitted to the Local Planning Authority in writing. This shall illustrate the lighting levels in lux with details of light intensity and the hours of lighting operation shall be submitted to, and approved, in writing, by the Local Planning Authority. These details shall include an assessment undertaken by a suitably qualified ecologist on the retained bat habitats and commuting routes on the site which shall be maintained at or below 0.5 lux within the defined bat corridor width at ground level and upwards to two metres. This lighting scheme shall be implemented and adhered to during the construction and operational phases.

Reason: To comply with the Habitats and Species Regulations and ensure the survival of rare or protected species in accordance with Policies DM8, DM9 and DM10 of the Sites and Policies Plan Part 1 and Policy CS4: Nature Conservation of the Core Strategy.

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21. Prior to the commencement of the Reserved Matters phase, a reptile survey shall be carried out, and a report detailing avoidance and mitigation measures submitted to the local planning authority.

Reason: To comply with the Wildlife and Countryside Act 1981, as amended.

22. Prior to the commencement of the Reserved Matters phase an updated badger survey shall be carried out; and a method statement submitted to the Local Planning Authority in writing, to update the avoidance and mitigation measures that will be required.

Reason: To comply with the Protection of Badgers Act 1992.

Flood risk

23. No development shall be commenced until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (5 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site; The drainage system must be designed so that, unless an area is designated to flood as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event and that at 1 in 100 year rainfall event no flooding occurs to any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. Any flows resulting from rainfall in excess of a 1 in 100 year rainfall event should be managed in conveyance routes that minimise the risks to people and property both on and off site.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption

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by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and policy CS/3 of the North Somerset Core Strategy, and that such systems are implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development.

Materials and design

24. No works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas and any other related infrastructure to be constructed either on or off site. These shall include, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. The sample panel(s) shall be submitted to and approved, in writing, by the Local Planning Authority. Construction shall be only in accordance with the approved sample panel in terms of colour of brick, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in accordance with policy DM32 of the Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy

Sustainable construction

25. The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the

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approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with Policies CS1 and CS2 of the North Somerset Core Strategy.

26. The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.

Reason: The local planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy

Scale

27. No more than 35 dwellings shall, be erected on the application site.

Reason: To avoid an overdevelopment of the site which would be likely to result in a form of development that is out of keeping with the character and appearance of the site and surrounding area in accordance with Policy CS32 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

Advice Notes

Advice notes are not conditions but are a means of making a statement to the applicant or drawing attention to the requirements of other legislation.

1. The applicant/developer is advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
2. The applicant/Developer is advised that examples of built-in bird and bat boxes are available from:

<http://www.ibstock.com/sustainability-ecozone.asp> and
http://www.nhbs.com/brick_boxes_for_birds_eqcat_431.html

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3. The applicant/developer is advised that the North Somerset and Mendip Bats Special Area of Conservation is a highly protected suite of sites for wildlife and ecology of international importance.
4. The applicant/developer is advised that buffers of tall vegetation should be provided around the hedgerows on site. This accords with the guidance in Biodiversity and Trees, the Supplementary Planning Document for developments within North Somerset, section 8.4, page 13, which states that, 'At least a five metre strip and sometimes a 10 metre strip for all water courses, hedges and woodlands should be retained to allow for management. However, where the Internal Drainage Board maintains the rhynes, an eight metre maintenance strip must be included.'
5. The applicant/developer is advised that all species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. No site clearance or tree or hedge removal shall be carried out on site between 1 March and 30 September inclusive in any year, unless a check has been carried out beforehand by a qualified ecologist as agreed with the local planning authority.
6. The applicant/developer is advised that the works within the highway in association with this development will require the developer to enter into a S278 Agreement (Highways Act 1980). The developer is advised to make early contact with the highways officer (Mr W Hole 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the Council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the Council's inspection charges.
7. The applicant/developer is advised that any works which affect the traffic capacity of the highway are subject to the Traffic Management Act 2004. This Act places an obligation upon local authorities to coordinate and manage the road network to ease congestion and delay. As the works in this approval are likely to require a part of the highway to be closed, approval for the closure will be subject to the provisions of the Act. The developer is urged to make early contact with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) to 'book' any required road closure.
8. The applicant/developer is advised that under section 184 (Highways Act 1980), any new works within the highway boundary must be to the Council's specification and prior to any works the developer must arrange with the Council's Streets & Open Spaces Highway

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Maintenance Team (01275 888802) for the approval of the works within the highway.

9. The Local Highway Authority require the developer to enter into legally binding agreements to secure the proper implementation of improvements or alterations to existing public highway and for any new works that the developer intends shall be potentially adoptable as public highway. Further information in this respect may be obtained by contacting North Somerset Council's Transport Development Management team.
10. The applicant is strongly advised to consult with the Local Planning Authority and Parish Council in advance of the preparation of master plans or design codes or framework of development documents for the development.

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Appendix 1: Churchill Parish Council comments

BACKGROUND

The village of Langford, within the parish of Churchill has very recently been subject to approval of 2 major housing developments (application 15/P/1414/O for 141 houses on Pudding Pie Lane, referred to hereafter as PPL (1), and application 15/P/1313/O (43 houses on A38/Says Lane). The cumulative effect of those 2 approved applications and PPL(2) will mean an additional 220 houses and increase in population of approximately 900 people with no substantive improvements in village facilities whatsoever. With no local jobs and a very poor bus service, the vast majority of new residents will commute to Bristol and Weston Super Mare. These 3 developments do not respond to local housing needs and create sprawl, dormitory developments on greenfield sites in a rural community.

The 2 dispiriting decisions mentioned above lead the Parish Council and the residents of Churchill and Langford to no other conclusion than that the smallest of the Service Villages is being sacrificed to meet short term housing targets. The level of pre-determination of this and the 2 other major applications is particularly disturbing. The Parish Council do not accept that North Somerset Council's "hands are tied" by Government Housing targets and they should not be throwing to the wind all reasonable planning criteria in the manner displayed in recent months.

APPLICATION 15/P/2521/O FOR 35 DWELLINGS (PPL (2))

PPL (2) is an unsustainable development outside the settlement boundary of a designated Service Village on prime agricultural land.

The proposal represents one of numerous speculative developments arising out of planning policy issues affecting North Somerset and should be strongly resisted.

The Parish Council are fully aware of the current position regarding the Core Strategy remitted policies, the re-examination of CS13 and housing number requirements. However, throughout this process, the position of the weight which can be afforded to remitted policies other than CS13 is clear:

"While it is unlikely that all the policies would be affected, it is not possible at this stage to predict which would be. However. It will be obvious to any reader of my judgment and this addendum that there is nothing unlawful per se about the policies remitted other than CS13 The policies can be still be accorded appropriate weight in any decision making and housing can be brought forward through the development control process." (Approved Addendum Judgment 7 March 2013).

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The proposal is in conflict with the remitted Core Strategy Policy CS32 Service Villages:

“Where small scale residential or mixed use schemes which demonstrate clear local benefits are supported by the local community cannot be accommodated within existing settlement boundaries then these must be brought forward as an allocation in the Sites and Policies DPD...”

Weight has recently and appropriately been given to CS32 in the recent refusal of the Barratt Homes application for 80 houses at Brinsea, Congresbury.

As the site is outside the defined settlement boundary of the village, the proposal is also in conflict with planning policies CS5 and CS12 of the Core Strategy and Policy GDP/3 of the North Somerset Local Plan which aim to minimise the dispersal of dwellings outside existing settlements in order to protect the character of the countryside and to reduce the need to travel. It is also in conflict with Paragraph 109 of the National Policy Framework which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The NPPF (para 7) sets out the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- ***“An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;***
- ***A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and***
- ***An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”***

The NPPF (para 8) states that:

“...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

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With the approval of 2 major applications in the village mentioned above, local housing needs are more than met and this application, even with its proposed mix of housing, provides no social, economic or environmental benefit to the community. Please see comment on education, drainage and highways below.

Education and prospective expansion of current Primary School site

Churchill Primary School is the only school within 2 miles of this proposed development. Applying the calculations adopted by NSC, 35 properties are likely to yield 20 or more primary pupils. The 2 additional major applications already approved will yield an additional 85-110 pupils. Churchill Primary School is currently effectively full. Next year it is expected to have only 7 spare places, but 5 are in one class, with 6 out of 7 classes full to capacity. The school is on a 1.2 hectare site which is small for a school of its size. It cannot be expanded to accommodate increased pupil numbers beyond its present capacity. A split site is possibly the only viable alternative. The best location is across the road from the school on the very land the subject of PPL (2).

Nothing demonstrates more the utter lack of cohesive, joined up thinking by North Somerset Planners and officers responsible for education provision. These 3 sites have been lined up by the planners for many months with a clear aim to drive them through the planning process and yet no sensible consideration has been given to future schooling provision whatsoever. Recent suggestions by architects visiting the school that additional classrooms might be squeezed on to an already full site are wholly unacceptable.

We request that North Somerset Council advise the School and the Parish Council as a matter of urgency of their proposals for dealing with this schooling crisis. As matters stand, the proposed development is unsustainable in terms of schooling provision.

Housing Need

No local housing need is identified, especially as any that did exist has now been more than accommodated in the two applications that have been approved in the last 2 months providing 184 additional homes in the parish!. No assessment of need or suitability was sought from the Parish Council at any stage. Some need for Affordable Housing, if it could be reserved for local people within the village, may be identified in due course through the Neighbourhood Plan.

Drainage

NSC Flood Risk Management Team has OBJECTED to the application on the following grounds:

“The applicant has not provided sufficient details of the proposed Sustainable Drainage System (SuDS) for the capture and removal of surface water from the

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development. There is no supporting evidence to demonstrate that the proposed SuDS system is viable.

The Flood Risk Assessment states that as there is an existing soakaway within the site and that it is therefore assumed that infiltration is feasible. This assumption does not provide sufficient evidence that soakaways would be viable. Infiltration testing is required to demonstrate that infiltration is feasible, to give an indication of sizing requirements and to demonstrate that these can be accommodated on site.

Any soakaway/storage positioned beneath the access road would be required to include access manholes, silt traps and jetting pipes for maintenance.”

The ominous reservations of the Flood Risk Management Team, the relatively high water table and that the ground water is designated within a source protection zone underline the inadequacy of the Applicant’s proposal. Furthermore the Parish Council can draw on anecdotal evidence of a history of flooding of the site even in its current state as agricultural land.

From discussions between the Parish Council, Mr Richard Kent of North Somerset Council and the agents for the University’s application PPL(1), it is quite clear that no SuDS has been proposed for that site even in the most theoretical of terms. It is accepted that soakaways are not viable there. We are many months away from developers taking over that site and putting forward a detailed Suds, for consideration. The drainage system from PPL(2) must be considered in terms of its cumulative effect on PPL(1) – it does not appear that any consideration has been given to this and the overall drainage capacity of the immediate area affected by these very large developments. The Parish Council do not consider that the relevant technical officers can say with any confidence whatsoever, even as a theoretical proposal, there is a viable SUDS for PPL (1). Accordingly the site is “unsustainable” in terms of drainage alone.

As the flood risk issues associated with development at this location are critical, NSC is urged to reject the application or to insist on the provision of a detailed drainage design and for this to be reviewed and approved before this application proceeds any further. This should not be a Reserved Matter.

Employment

No evidence at all is provided by the applicants of direct local employment opportunities arising from this development. No evidence is provided for any boost to the local economy. Any additional income to the one shop nearby (Budgens) and the local pubs will not amount to a significant economic boost. The local community will have negligible benefit from any increase in council tax income. As most of the new residents will have to out-commute to work, it is much more reasonable to assume that they will fulfil shopping etc needs close to where they work.

SECTION 1

CS20 supports an employment led economy seeking to increase sustainability by “decreasing out-commuting, provide for a large range of local jobs and reduce carbon emissions from unsustainable car use.” This is a dormitory development for commuters which will achieve exactly the opposite.

Highways

The traffic mayhem outside the school and all along Pudding Pie Lane during peak school drop off and pick up times and with the surgery car park also always full at this time is of very serious concern. This application provides for 2 extra entrances with the existing one; which has a public footpath running down it. The main site entrance is immediately opposite the school. The combination of 3 exit points onto Pudding Pie Lane, the heavy on street parking at school drop off and pick up times, the two way traffic forcing its way past parked cars, the adult and child pedestrians, and the surgery traffic create a very hazardous environment. As mentioned above, there is the added complication of a potential split site involving a school crossing over Pudding Pie Lane at some point. This is another example of the lack of cohesive thinking and planning arising from a planning process that is numbers driven, pre-determined and which has given up on its primary purpose i.e. planning ahead, particularly with road safety in mind.

NSC Highways recognise a history of personal injury accidents at the Budgens Junction. However, no weight is given to the many minor accidents which do not cause injury, but which nevertheless cause distress and cost to those involved. That situation will be exacerbated by the additional traffic from this proposed development.

The further congestion at the Budgens Junction will result in the use of Lower Langford as a ‘rat run’ to the A38 north. These are both aspects of considerable concern to residents.

Further, all 3 developments will exacerbate the already significant traffic issues at the junction of the B3133 and the A370 at Congresbury Cross where the 2 offset light controlled T junctions approximately 200 metres apart create significant queuing on the B3133 Congresbury High Street and the B3133 Smallway (from Yatton to the A370).

Landscape and visual impact

In terms of a “sustainable development”, far from “*contributing to protecting and enhancing our natural, built and historic environment*” (NPPF) this development will contribute to a significant adverse visual impact of 3 developments within 1km of the boundary of the Mendip Hills AONB. One of the most significant vantage points is Dolberrow Camp and sections of the West Mendip Way in that vicinity. The development will be wholly visible from here. There will also be significant visual impact for all properties within the vicinity of the site and more particularly for the Primary School which currently has the benefit of a predominantly rural outlook.

SECTION 1

Conclusion

It appears that North Somerset Council, its Executive and the Planning team have encouraged the bringing forward of development applications on greenfield sites outside settlement boundaries in rural communities with the single purpose of achieving short term housing targets. With this has come a total disregard for previously applied local planning policy which provided protection to rural communities against unplanned, speculative development and a total disregard of Parish Council and community views. This application is itself the subject of community wide opposition.

It is the contention of the Parish Council that there is every reason to refuse the application on the grounds detailed above. Moreover, if the 5 year housing supply is close to being achieved or has been achieved at the time this application comes before the P&R Committee, there is no viable reason whatsoever to accept this application. The Parish Council would then welcome the return to plan led, community supported development which enhances the community in accordance with sound local policies and the National Planning and Policy Framework.

We reserve the right to make further submissions prior to consideration of this application by the P&R Committee, more particularly in respect of education, traffic and drainage.